AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X. THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE DATABASE, RAC, AND INTERNET SERVER SOFTWARE LICENSES AND SUPPORT, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND, HUNDRED NINETEEN DOLLARS AND THIRTY-SIX (\$66,919.36); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

WHEREAS, the Oracle Enterprise Resource Planning ("ERP") system is a proprietary system comprised of several software modules developed by Oracle USA, Inc. ("Oracle"); and

WHEREAS, Oracle, as the owner of the source code and other intellectual property embedded in the ERP system, has the unique expertise and capabilities to support Oracle software licenses; and

WHEREAS, the City of Atlanta ("City") entered into a cooperative purchase of a multi-year license agreement (#2373242) utilizing GSA Schedule GS-35F-0009T with Oracle USA Inc. for Oracle Database, RAC, and Internet Server software licenses and support for the ERP Project (authorized by the Atlanta City Council Resolution number 05-R-0495) beginning May, 2005; and

WHEREAS, the term of the Database, RAC, and Internet Server software licenses and support agreement expired on May 30, 2008 and Oracle USA Inc. has continued to provide software licenses and support satisfactorily since the project began; and

WHEREAS, the Chief Information Officer desires to ratify the prior provision of the Database, RAC, and Internet Server software licenses and support under the expired agreement, from May 31, 2008 through the present, and to renew the Database, RAC, and Internet Server software licenses and support agreement for one year effective May 31, 2008, through May 30, 2009; and

WHEREAS, the Chief Information Officer and the Chief Procurement Officer recommend the execution of the Oracle Database, RAC, and Internet Server

software license and support agreement # 2373242 for the ERP Project in an amount not to exceed Sixty-Six Thousand, Nine Hundred Nineteen Dollars and Thirty-Six Cents (\$66,919.36) for one year from the date of expiration.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 2, Article x of the City of Atlanta's Code of Ordinances is herby waived to the extent that such prohibits payment for goods and services rendered by Oracle USA Inc. to the City, and that the City's actions in accepting services provided by Oracle USA Inc. for the Oracle Database, RAC, and Internet Server software license and support agreement # 2373242 for the ERP Project after the agreement expired, are ratified and confirmed.

SECTION 2:, That the Chief Procurement Officer is authorized to execute a renewal of the Oracle Database, RAC, and Internet Server software license and support agreement # 2016306 for the ERP Project under the same terms and conditions as authorized by City Council in 06-R-0828 and the Chief Financial Officer is authorized to remit payment to Oracle USA Inc. for the period beginning on May 31, 2008, for which ratification is granted in this Ordinance, through the remainder of the renewal period ending May 30, 2009, in an amount not to exceed Sixty-Six Thousand, Nine Hundred Nineteen Dollars and Thirty-Six Cents (\$66,919.36) to be charged to and paid from Fund, Department Organization and Account number 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/ Management Information Systems)

SECTION 3: That the application of Section 2-1205 (a) of the Procurement and Real Estate Code is waived to permit a contract clause to allow automatic renewal of the Oracle Database, RAC, and Internet Server software license and support agreement # 2373242 for the ERP Project, beginning on May 31, 2009, subject to termination for non-appropriation of funds or other contractual termination provisions.

SECTION 4: That the Chief Procurement Officer is directed to prepare an appropriate renewal Agreement for execution by the parties.

SECTION 5: That the renewal Agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Chief Procurement Officer, approved as to form by the City Attorney, and delivered to Oracle USA Inc.

SECTION 6: That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived for this instance only.

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate contractual agreement on behalf of the Department of Information Technology with Oracle USA, Inc. in an amount not to exceed sixty six thousand nine hundred nineteen dollars and thirty six cents (\$66,919.36). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional Services), 1535000 (Data Processing/Management Information System).

Council Meeting Date:

January 05, 2009

Legislation Title:

Resolution authorizing the Chief Procurement Officer to enter into an Appropriate Renewal Agreement with Oracle USA, Inc. utilizing the Federal GSA Contract #GS-35F-0009T for the Oracle Database, RAC, and Internet Server Software Licenses and Support on behalf of the Department of Information Technology in an amount not to exceed sixty six thousand nine hundred nineteen dollars and thirty six cents (\$66,919.36). All contract work shall be charged to and paid from fund account and center number: 1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional 1535000 Services). Processing/Management Information System).

Requesting Department:

Department of Information Technology

Contract Type:

N/A

Source Selection:

Federal GSA Contract #GS-35F-0009T

Bids/Proposals Due:

N/A

Invitations Issued:

N/A

Number of Bids/

Proposals Received:

N/A

Bidders/Proponents:

N/A

Justification Statement:

N/A

Background:

N/A

Fund Account Centers:

1001 (General Fund), 050202 (IT Applications), 5410001 (Consultant/Professional Services), 1535000 (Data Processing/Management

Information System).

Source of Funds:

N/A

Fiscal Impact:

N/A

Term of Contract:

N/A

Method of Cost Recovery:

N/A

Approval:

DOF: DOL:

Prepared By:

Patricia Lowe, Buyer

Contact Number:

404.330.6583

<u>Part II: Legislative White Paper:</u> (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE DATABASE, RAC, AND INTERNET SERVER SOFTWARE LICENSES AND SUPPORT, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND, NINE HUNDRED NINETEEN DOLLARS AND THIRTY-SIX CENTS (\$66,919.36); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.

Council Meeting Date: January 5, 2009

Requesting Dept.: Information Technology

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement). DIT desires to ratify the prior provision of the Database, RAC, and Internet Server software licenses and support under the expired agreement, from May 31, 2008 through the present, and to renew the Database, RAC, and Internet Server software licenses and support agreement for one year effective May 31, 2008, through May 30, 2009

2. Please provide background information regarding this legislation.

The City of Atlanta ("City") entered into a cooperative purchase of a multi-year license agreement (#2373242) utilizing GSA Schedule GS-35F-0009T with Oracle USA Inc. for Oracle Database, RAC, and Internet Server software licenses and support for the ERP Project (authorized by the Atlanta City Council Resolution number 05-R-0495) beginning May, 2005 and the term of the Database, RAC, and Internet Server software licenses and support agreement expired on May 30, 2008. Oracle USA Inc. has continued to provide software licenses and support satisfactorily.

3. <u>If A</u>	oplicable/Known:			
(a)	Contract Type (e.g. Professional Services, Construction Agreement, etc): Software & Support			
(b)	Source Selection: Cooperative Purchase			
(c)	Bids/Proposals Due:			
(d)	Invitations Issued:			
(e)	Number of Bids:			
(f)	Proposals Received:			
(g)	Bidders/Proponents:			
(h)	Term of Contract: 1 year			
	nd Account Center: 1001 (General Fund) 050202 (IT Applications) 5410001 alting/Professional Services) 1535000 (Data Processing/Management Information a)			
5. Source of Funds:				

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

6. Fiscal Impact: \$66,919.36

7. Method of Cost Recovery:



CITY OF ATLANTA

Shirley Franklin Mayor SUITE G700A
55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 330 - 6110
Internet Home Page: www.atlantaga.gov

Dan Smith
Chief Information Officer
Department of Information Technology

MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer

Department of Procurement

FROM: Dan Smith, Chief Information Officer

Department of Information Technology

RE: Sole Source for Oracle USA Inc. for Support of DB and RAC Software

DATE: October 30, 2008

Please approve Oracle USA Inc. for the above-referenced service per the request of the Chief Information Officer

Resolution 05-R-0495 authorized Oracle USA Inc. to provide Data Base software licenses and support in March 2005.

The software identified by Oracle Contracts # 2016306, 2118646 & 2373242 were also purchased off the GA State Agreement #980-020-110165. Oracle USA Inc. is the original manufacture of the database software and is best qualified to provide support.

If you should need further assistance, please do not hesitate to contact me.

DS/kdl

cc: Mr. David A. Chapman, DCPO

Ms. Mimie L. Woods, CO for DPRCA

ORACLE

1910 Oracle Way Reston, VA 20190

October 31, 2008

City of Atlanta Lisa Scheidt 55 Trinity Avenue, SW Suite G700 Atlanta, GA 30303

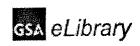
Dear Lisa,

This letter is to confirm that Oracle has the unique expertise and capabilities to support Oracle program licenses. Oracle creates the proprietary program updates that may be provided as part of Oracle's technical support services. As the sole source of technical support services (including the proprietary program updates created by Oracle), Oracle offers the services to Oracle customers for purchase on an annual basis either directly from Oracle or, on limited occasion, indirectly from an Oracle authorized reseller of the services. For more detailed information about Oracle's technical support services, refer to Oracle's technical support policies located at http://www.oracle.com/support/policies.html.

Please contact me should you have questions.

Regards,

Sandra Loretto Support Renewal Representative, Oracle Support Services Oracle USA, Inc. 1910 Oracle Way Reston, VA 20190



elity - guntes

GSA Advantage - online shopping

Search:

all the words

Contractor Information

(Vendors) How to change your company information

Contract #:

GS-35F-0009T

 ${\sf Socio\text{-}Economic:} \overset{\sf Other\ than\ small}{}$

Contractor:

ORACLE USA, INC.

business

Address:

500 ORACLE PKWY

Govt. Contracting Officer:

Phone:

REDWOOD CITY, CA 94065-1677

REGINA ELLIS

(703)364-1558

Phone: 703-605-2714

E-Mail:

GSAINFO_US@Oracle.com

E-Mail: regina.ellis@gsa.gov

Web A	ddress: http://www.o	Contract Number	Contract Terms & Conditions	Contract End Date	Category		View Items Available
70	GENERAL PURPOSE COMMERCIAL INFORMATION TECHNOLOGY EQUIPMENT, SOFTWARE, AND SERVICES	GS-35F-0009T		Sep 30, 2011	132 3 132 32 132 33 132 34 132 51	COOP FURCH COOP FURCH COOP FURCH COOP FURCH	GSA Advantagel GSA Advantagel GSA Advantagel GSA Advantagel GSA Advantagel



15-Oct-08

Lisa Scheidt
CITY OF ATLANTA
DOF/Budget and Fiscal Policy Susan Lovette
68 Mitchell Street Sw
10th Floor/Tower
ATLANTA
GA 30325
United States

Dear Lisa Scheidt,

The technical support services and benefits provided under service contract number 2373242 will expire, or have expired, on 30-May-08. Please find attached an ordering document for the renewal of this service contract. If applicable, the attached ordering document may also include incremental technical support services newly acquired.

To ensure that there is no interruption to the technical support services and benefits provided under service contract number 2373242, please order the technical support services on this ordering document by issuing an acceptable form of payment in accordance with the attached Order Processing Details section on or before 4-Dec-08:

If further information is required, please contact me at the e-mail address or telephone number provided below.

Regards,...

Sandra Loretto Oracle Support Services

E-mail: sandra.loretto@oracle.com

Tel.: +17033642776 Fax: +17033643557

Service Contract Number: 2373242



Ordering Document

Service Contract #:

2373242

Renewal Contact:

Sandra Loretto

Offer Expires:

4-Dec-08

+17033642776

Payment Terms:

30 NET from receipt of invoice

Fax:

+17033643557

Billing Terms:

Quarterly in Arrears in

four approximately equal

amounts

E-mail:

Telephone:

sandra.loretto@oracle.com

CUSTOMER: CITY OF ATLANTA

QUOTE TO

Address:

Account Contact:

Lisa Scheidt

Account Name:

CITY OF ATLANTA DOF/Budget and Fiscal

Policy Susan Lovette 68 Mitchell Street Sw 10th Floor/Tower

ATLANTA

GA 30325 **United States**

Telephone:

404 865-8524

Fax:

E-mail:

LScheidt@AtlantaGa.Gov

BILL TO

Address:

Account Contact

Accounts Payable

Account Name:

CITY OF ATLANTA

Bureau of Management Information Services

55 Trinity Ave Ste G300

ATLANTA GA 30303

United States

Telephone:

Fax:

E-mail:

vbundrage@AtlantaGa.Gov

Oracle may provide certain information and notices about technical support via e-mail. Accordingly, please verify and update the Quote To and Bill To information above to ensure that such communications and notices are received from Oracle. If changes are required, please e-mail or fax the updated information to Sandra Loretto at sandra.loretto@oracle.com or +17033643557. Please also include service contract number 2373242 on such reply.

Service Details

Service Level: Software U	Software Update License & Support				End Date: 30-May-09		
Product Description	CSI#	Qty	License Metric	License Level / Type	Start Date	Final Price	
Oracle Database Enterprise Edition - Processor Perpetual	14838298	4		FULL USE	31-May-08	22,406.21	
Real Application Clusters - Processor Perpetual	14838298	8		FULL USE	31-May-08	22,406.21	
Internet Application Server Enterprise Edition - Processor Perpetual	14838298	3		FULL USE	31-May-08	8,402.33	

Subtotal: USD 53,214.74

Service Level: Reinstatement Fee End Date: 30-May-09						
Product Description	CSI#	Qty	License Metric	License Level / Type	Start Date	Final Price
Oracle Database Enterprise Edition - Processor Perpetual	14838298	4		FULL USE	31-May-08	5,770.37
Internet Application Server Enterprise Edition - Processor Perpetual	14838298	3		FULL USE	31-May-08	2,163.88
Real Application Clusters - Processor Perpetual	14838298	8		FULL USE	31-May-08	5,770.37

Subtotal: USD 13,704.62

Total Amount: USD 66,919.36

plus applicable tax

Notes:

- If any of the fields listed above are blank, the program licenses were acquired under a separate license model in which such field(s) does not apply.
- 2. If a change to the Service Details provided above is required, please contact Sandra Loretto at +17033642776 or at sandra.loretto@oracle.com and an updated ordering document will be provided to you in accordance with Oracle's technical support policies.
- This order is being placed in accordance with the Cooperative Purchasing provision of GSA Contract No. GS-35F-0009T.

GENERAL TERMS

"You" and "your" refers to the Customer provided above.

In the event that the Customer and the Quote To Account Name provided above are not the same, CITY OF ATLANTA acknowledges that Customer has authorized CITY OF ATLANTA to execute this ordering document on Customer's behalf and to bind Customer to the terms described herein. CITY OF ATLANTA agrees the ordered services shall be used solely by the Customer and shall advise Customer of the terms of this ordering document as well as information and notices about technical support that Oracle provides to CITY OF ATLANTA during the term of service.

The technical support services acquired under this ordering document are governed by the terms and conditions of the GSA Contract No. GS-35F-0009T. However, any use of the programs, which includes by definition the updates and other materials provided or made available by Oracle under technical support, is subject to the rights granted for the programs set forth in the order in which the programs were acquired.

Technical support is provided under Oracle's technical support policies in effect at the time the services are provided. The technical support policies are subject to change at Oracle's discretion; however, Oracle will not materially reduce the level of services provided for supported programs during the period for which fees for technical support have been paid. You should review the technical support policies prior to entering into this ordering document. The current version of the technical support policies, including Oracle's reinstatement policy, may be accessed at http://www.oracle.com/support/policies.html. Customers who allow technical support to lapse and later wish to reactivate it will be subject to Oracle's reinstatement policy in effect at the time of reinstatement. Applicable reinstatement fees may apply in addition to the annual technical support fees.

This ordering document is governed by the substantive and procedural laws of California and you and Oracle agree to submit to the exclusive jurisdiction of, and venue in, the courts in San Francisco, San Mateo, or Santa Clara counties in California in any dispute arising out of or relating to this order.

Order Processing Details

Your order is subject to Oracle's acceptance. An order consists of the following: (i) this ordering document, which incorporates by reference the GSA Contract No. GS-35F-0009T, (ii) an acceptable form of payment and (iii) a tax exemption certificate (if applicable). Oracle normally accepts orders after receipt of a purchase order, check or credit card issued in accordance with the Purchase Order, Check, Credit Card Confirmation section below. If Oracle accepts your order, the service start date is the effective date of such order and also serves as the commencement date of the technical support services.

An invoice will only be issued upon receipt of an acceptable form of payment. Regardless of the form of payment:

Unless you are an U.S. federal government entity, Oracle's invoice includes applicable sales tax, GST, or VAT (collectively referred to as "tax"). If CITY OF ATLANTA is a tax exempt organization and is not an U.S. federal government entity, a copy of CITY OF ATLANTA's tax exemption certificate must be submitted with CITY OF ATLANTA's purchase order, check or credit card.

PURCHASE ORDER, CHECK, CREDIT CARD CONFIRMATION

Purchase Order

If the technical support services on this ordering document will be purchased by purchase order, the purchase order must include the following information:

Service Contract #: 2373242

Term of Service: 31-May-08 to 30-May-09

Final Total: USD 66,919.36 (excluding applicable tax)

GSA Contract No.: GS-35F-0009T

In issuing a purchase order, CITY OF ATLANTA agrees and acknowledges that the terms of this ordering document are incorporated into CITY OF ATLANTA's purchase order and that the terms of this ordering document and the GSA Contract No. GS-35F-0009T supersede the purchase order or any other non-Oracle document, and no terms included in any such purchase order or other non-Oracle document shall apply to the technical support services ordered.

Please e-mail or fax the purchase order to Oracle per the Remittance Details provided below.

Check

If the technical support services on this ordering document will be purchased by check, the check must include the following information:

Service Contract #: 2373242

Term of Service: 31-May-08 to 30-May-09

- Final Total: USD 66,919.36 (excluding applicable tax)

GSA Contract No.: GS-35F-0009T

In issuing a check, CITY OF ATLANTA agrees and acknowledges that the terms of this ordering document and the GSA Contract No. GS-35F-0009T shall apply to the technical support services ordered. No terms attached or submitted with the check shall apply.

Please mail check payments per the Remittance Details provided below.

Credit Card Confirmation

If the technical support services on this ordering document will be purchased by credit card, please complete the section below and return it to Oracle per the Remittance Details provided below. Please note that Oracle is unable to process credit card transactions of USD100,000 or greater.

Service Contract #:

2373242

Term of Service:

31-May-08 to 30-May-09

- Final Total:

USD 66,919.36 (excluding applicable tax)

GSA Contract No.:

GS-35F-0009T

Credit Card Number
Expiration Date
Billing Address (associated with Credit Card)
City, State, and Zip (associated with Credit Card
Authorized Signature
Name

The credit card must be valid for the entire Term of Service above. In issuing this credit card confirmation, CITY OF ATLANTA agrees and acknowledges that the terms of this ordering document and the GSA Contract No. GS-35F-0009T shall apply to the technical support services ordered. No terms attached or submitted with the credit card confirmation shall apply.

REMITTANCE DETAILS

Purchase orders or credit card confirmation for the technical support services ordered hereto should be sent to:

Attn:

Sandra Loretto

Oracle Support Services

Fax:

+17033643557

E-mail:

sandra.loretto@oracle.com

Checks for the technical support services ordered hereto should be sent to:

AK, AZ, CA, HI, ID, NV, OR, UT, WA:

Oracle USA, Inc. PO Box 44471 San Francisco, CA 94144-4471

All other States:

Oracle USA, Inc.
PO Box 71028
Chicago, IL 60694-1028

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: GREG PRIDGEON
Dept.'s Legislative Liaison: Kathleen Lane
Contact Number: 404-335-1983
Originating Department: Department of Information Technology
Committee(s) of Purview: Finance/Executive Committee
Chief of Staff Deadline: November 12, 2008
Anticipated Committee Meeting Date(s): November 24, 2008
Anticipated Full Council Date: January 5th, 2009
Legislative Counsel's Signature: M. W.
Commissioner Signature:
Chief Procurement Officer Signature:
CAPTION AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE APPLICATION OF THE ATLANTA CITY CODE, ARTICLE X, THE PROCUREMENT AND REAL ESTATE CODE, AND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE RENEWAL AGREEMENT WITH ORACLE USA INC., FOR THE ORACLE DATABASE, RAC, AND INTERNET SERVER SOFTWARE LICENSES AND SUPPORT, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND, NINE HUNDRED NINETEEN DOLLARS AND THIRTY-SIX CENTS (\$66,919.36); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION, AND ACCOUNT NUMBER 1001(GENERAL FUND) 050202 (IT APPLICATIONS) 5410001 (CONSULTANT/PROFESSIONAL SERVICES) 1535000 (DATA PROCESSING/MANAGEMENT INFORMATION SYSTEM); AND FOR OTHER PURPOSES.
Mayor's Staff Only
Received by CPO: (date) Received by LC from CPO: (date) Received by Mayor's Office: (date) Reviewed by: (date)
(date)
Submitted to Council: